

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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Order Filed on March 6, 2024

by Clerk

U.S. Bankruptcy Court

District of New Jersey

In re:

BED BATH & BEYOND, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 23-13359 (VFP)


Judge: Vincent F. Papalia

(Jointly Administered)

STIPULATION AND CONSENT ORDER BETWEEN PLAN ADMINISTRATOR AND CARLA COX SMITH RESOLVING MOTION OF CARLA COX SMITH FOR AN ORDER ALLOWING LATE FILED CLAIM TO BE TREATED AS TIMELY FILED AND FOR RELIEF FROM SEPTEMBER 14, 2023 INJUNCTION FOR PURSUING CLAIMS AGAINST DEBTORS

The relief set forth on the following pages, numbered two (2) through four (5), is hereby
ORDERED.

DATED: March 6, 2024



Honorable Vincent F. Papalia
United States Bankruptcy Judge

¹ The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases (collectively, the "Debtors" and each a "Debtor") and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>.

Debtors: BED BATH & BEYOND INC., *et al.*
Case No. 23-13359-VFP
Caption of Order: STIPULATION AND CONSENT ORDER

This stipulation and consent order (the “Stipulation”) is made by and between Carla Cox Smith (“Claimant”), and Michael Goldberg, solely in his capacity as the Plan Administrator (the “Plan Administrator”) to 20230930-DK-Butterfly-1, Inc. (f/k/a/ Bed Bath & Beyond Inc.)² and affiliated debtors (the “Debtors”) (together, the “Parties”), including, as applicable, by and through their duly authorized undersigned counsel.

WHEREAS, on April 23, 2023 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”) in the Court.

WHEREAS, the Debtors’ chapter 11 cases have been procedurally consolidated.

WHEREAS, on May 31, 2023, the Court entered the *Order (I) Setting Bar Dates for Submitting Proofs of Claim, Including Requests for Payment under Section 503(b)(9), (II) Establishing Amended Schedules Bar Date, Rejection Damages Bar Date, and Administrative Claims Bar Date, (III) Approving the Form, Manner, and Procedures for Filing Proofs of Claim, (IV) Approving Notice Thereof, and (V) Granting Related Relief* [[Docket No. 584](#)] (the “Bar Date Order”).

WHEREAS, the Bar Date Order established July 7, 2023 as the date by which all Claims against the Debtors must be filed (the “Bar Date”).

WHEREAS, on September 14, 2023, this Court entered the *Findings of Fact, Conclusions of Law, and Order (I) Approving the Disclosure Statement on a Final Basis and (II) Confirming the Second Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and its Debtor Affiliates* [[Docket No. 2172](#)] (the “Confirmation Order”), confirming the *Second Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and Its Debtor Affiliates* [[Docket No. 2160](#)] (as amended, the “Plan”).

2 Pursuant to the *Certificate of Amendment of the Certificate of Incorporation of Bed Bath & Beyond Inc.*, which was filed with the State of New York Department of State on September 21, 2023, the name of the entity formerly known as “Bed Bath & Beyond Inc.” was changed to *20230930-DK-Butterfly, Inc.* [Filing ID No. 230921001833 DOS ID 315602].

Debtors: BED BATH & BEYOND INC., *et al.*
Case No. 23-13359-VFP
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WHEREAS, on September 29, 2023, the effective date of the Plan occurred (the “Effective Date”); as of that date, the Plan Administrator is authorized to implement the Plan and any applicable orders of the Bankruptcy Court.

WHEREAS, pursuant to the Plan, the Plan Administrator has until March 27, 2024 to object to Claims (the “Claim Objection Bar Date”).³

WHEREAS, on or about August 11, 2023, Claimant filed a complaint against debtor Bed Bath & Beyond Inc. in the Circuit Court for St. Clair County Illinois, which is pending as Case No. 23LA0921 (the “Lawsuit”).

WHEREAS, pursuant to the Lawsuit, Claimant alleges a claim for personal injuries arising from alleged negligence that occurred in May of 2022.

WHEREAS, the Lawsuit was stayed by the filing of the chapter 11 petitions pursuant to Bankruptcy Code section 362 and subsequently by the injunction set forth in the Plan and Confirmation Order (the “Plan Injunction”).

WHEREAS, Claimant filed the following proof of claim (the “Claim”):

Claim No.	Date Filed	Debtor	Amount/Priority
19186	1/11/24	Bed Bath & Beyond Inc.	“no less than \$1,000,000”

WHEREAS, the Debtors did not schedule a claim for the Claimant.

WHEREAS, on January 12, 2024, Claimant filed her *Motion For Order Allowing Late Filed Claim to Be Treated As Timely Filed and For Relief from September 14, 2023 Injunction for Pursuing Claims Against Debtor* (the “Motion”) [[Docket No. 2791](#)].

³ Pursuant to the Plan, the “*Claims Objection Bar Date*” means the deadline for objecting to a Claim, which shall be on the date that is 180 days after the Effective Date (as may be extended by the Court upon the request of the Debtors or the Wind-Down Debtors). Plan, Article I.A, at § 28.

Debtors: BED BATH & BEYOND INC., *et al.*
Case No. 23-13359-VFP
Caption of Order: STIPULATION AND CONSENT ORDER

WHEREAS, the Parties have agreed upon the terms set forth in this Stipulation, for which the Parties seek approval hereby.

NOW THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION THE PARTIES HERETO ACKNOWLEDGE RECEIVING, IT IS HEREBY STIPULATED, AGREED AND ORDERED AS FOLLOWS:

1. The recitals set forth above are hereby made an integral part of the Parties' Stipulation and are incorporated herein.
2. Claim 19186 shall be deemed to be timely filed.
3. The Plan Administrator reserves all rights to object to the Claim on any and all grounds other than timeliness.
4. Claimant will not file any additional claims, nor will Claimant seek to amend the Claim.
5. The Motion is withdrawn.
6. Nothing herein alters, amends or modifies the Plan or Confirmation Order or the Plan Injunction, pursuant to which the Lawsuit remains stayed.
7. The Plan Administrator and his agents and any third parties are authorized and shall take all actions necessary to effectuate the relief provided by this Stipulation.
8. This Stipulation shall be binding upon and inure to the benefit of the Parties' successors, agents, assigns, including any bankruptcy trustees and estate representatives.
9. Each of the Parties hereto represents and warrants it is duly authorized to enter into and be bound by this Stipulation.
10. The terms and conditions of this Stipulation shall be immediately effective and enforceable upon its entry.

Debtors: BED BATH & BEYOND INC., *et al.*
Case No. 23-13359-VFP
Caption of Order: STIPULATION AND CONSENT ORDER

11. This Stipulation shall not be modified, altered, amended or vacated without the written consent of all Parties or by further order of the Bankruptcy Court.

12. The Bankruptcy Court retains exclusive jurisdiction to resolve any dispute arising from or related to the interpretation or enforcement of this Stipulation and Agreed Order.

13. Each party shall bear its own fees and costs in connection with the Lawsuit and the Stipulation.

Dated: February 27, 2024

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